

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL J. BIALEK and LI FENG

Appeal 2007-0232
Application 09/627,535
Technology Center 2100

Decided: February 28, 2007

Before KENNETH W. HAIRSTON, MAHSHID D. SAADAT, and ALLEN R. MACDONALD, *Administrative Patent Judges*.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1 to 15. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants have invented a method and apparatus for creating a provider resource locator that is used to locate content on a network. The provider resource locator is created by recalling stored parameter values, and inserting such values into a plurality of parameter slots in a locator template (Specification 11 to 13).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A method of assembling content from content providers, the content providers having the content available on a network, for delivery from a document server to a subscriber's terminal, comprising the steps of:

obtaining a subscriber's content definition;

defining a locator template having a plurality of parameter slots and being compatible with a resource locator of a content provider having content meeting said content definition;

recalling stored parameter values and inserting said parameter values in said parameter slots to create a provider resource locator;

transmitting said provider resource locator on the network;

receiving content from said content provider in response to said transmission of said provider resource locator; and

assembling at least said received content for delivery from the document server to the subscriber's terminal.

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The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Walker	US 6,377,963 B1	Apr. 23, 2002 (filed May 23, 1997)
Herz	US 6,460,036 B1	Oct. 1, 2002 (filed Dec. 5, 1997)
Peterson	US 6,594,682 B2	July 15, 2003 (filed Oct. 28, 1997)
Isaac	US 6,632,248 B1	Oct. 14, 2003 (filed Dec. 6, 1996)

The Examiner rejected claims 1, 2, 7 to 10, 12, and 13 under 35 U.S.C. § 102(e) based upon the teachings of Peterson. The Examiner rejected claims 3 to 6 and 14 under 35 U.S.C. § 103(a) based upon the teachings of Peterson and Walker, the Examiner rejected claim 11 under 35 U.S.C. § 103(a) based upon the teachings of Peterson and Herz, and the Examiner rejected claim 15 under 35 U.S.C. § 103(a) based upon the teachings of Peterson and Isaac.

Appellants contend that Peterson does not create a content provider resource locator by inserting parameter values into parameter slots in a locator template (Br. 8 and 9).

We reverse.

ISSUE

Does Peterson describe the creation of a content provider resource locator by inserting parameter values into parameter slots in a locator template?

FINDINGS OF FACT

As indicated *supra*, Appellants create a content provider resource locator by recalling stored parameter values and inserting those values into parameter slots of the locator template.

Peterson creates a customized channel of desired Web content by aggregating content from multiple channels into a single customized channel. Peterson creates the customized channel by filtering out unwanted content downloaded to the user's computer (col. 11, l. 47 to col. 12, l. 15).

PRINCIPLE OF LAW

Anticipation is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1946 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

ANALYSIS

The customized content in Peterson is created by filtering downloaded content, whereas the customized content disclosed and claimed by Appellants is located by inserting parameter values into parameter slots of a locator template to create a content provider resource locator.

CONCLUSIONS OF LAW

Anticipation has not been established by the Examiner because

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Peterson does not create a content provider resource locator as claimed by Appellants.

The obviousness of the claimed subject matter has not been established by the Examiner because the teachings of the secondary references to Walker, Herz and Isaac fail to cure the noted shortcoming in the teachings of Peterson.

DECISION

The anticipation rejection of claims 1, 2, 7 to 10, 12, and 13 is reversed. The obviousness rejections of claims 3 to 6, 11, 14, and 15 are reversed.

REVERSED

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